

3. Because only Alex's IDEA claim remains, that claim is based on the review of SEHO's due process decision below, and no live testimony is required by either party, the parties stipulate to a briefing schedule where: 1) Alex will file an Opening Brief by November 25, 2005; 2) the District will file its Opposition to said Opening Brief by December 23, 2005; and 3) Alex will file his Reply to said Opposition by December 30, 2005.

4. The parties agree that the Court's scheduled deadline for filing a joint pretrial statement and the scheduled pretrial conference should be vacated.

5. The parties agree that the Court's scheduled trial date of January 9, 2006, should remain on calendar. However, the parties agree that the expected time of trial will no longer be two to three days. Rather, the parties agree that the scheduled trial date should serve as a date to conduct oral arguments before the Court based on the submitted briefing.

Dated: October 6, 2005

Respectfully submitted,

VARMA & CLANCY

/s/ Bob N. Varma
BOB N. VARMA
Attorneys for Plaintiff
ALEX G.

Dated: October 7, 2005

Respectfully submitted,

LOZANO SMITH

/s/ Jan E. Tomsky
JAN E. TOMSKY
Attorneys for Defendant
DAVIS JOINT UNIFIED SCHOOL
DISTRICT

1 [PROPOSED] ORDER
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3 IT IS HEREBY ORDERED that the parties will submit to the following briefing schedule for the
4 Plaintiff's remaining claim in this action, his IDEA appeal: 1) Plaintiff Alex G. will file an opening
5 brief by November 25, 2005; 2) Defendant Davis Joint Unified School District will file an opposition to
6 said opening brief by December 23, 2005; and 3) Plaintiff Alex G. will file a reply to the said opposition
7 by December 30, 2005. The parties will conduct oral argument based on the submitted briefing on
8 January 9, 2006 at 8:30 a.m.

9 DATED: October 19, 2005

10 /s/ David F. Levi
11 Honorable David F. Levi
12 Chief Judge
13 United States District Court

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